Attorney Docket No. 47004.000074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :	)	
	)	
Robert ROSKO, et al.	)	Group Art Unit: 2151
	)	
Serial No: 09/591,687	)	Examiner: Khanh Q. DINH
	)	
Filed: June 12, 2000	)	

For: SYSTEM AND METHOD FOR PROVIDING CUSTOMERS WITH SEAMLESS ENTRY TO A REMOTE SERVER

APPEAL BRIEF

TABLE OF CONTENTS

Attorney Docket No. 47004.000074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :	)	
	)	
Robert ROSKO, et al.	)	Group Art Unit: 2151
	)	
Serial No: 09/591,687	)	Examiner: Khanh Q. DINH
	)	
Filed: June 12, 2000	)	

For: **SYSTEM AND METHOD FOR PROVIDING CUSTOMERS WITH SEAMLESS ENTRY TO A REMOTE SERVER**

APPEAL BRIEF

In response to the Final Office Action dated October 20, 2003 (hereinafter the "Final Office Action)," and the Advisory Action dated January 7, 2004, finally rejecting pending claims 1-7 and 9-21, Appellant respectfully requests that the Board of Patent Appeals and Interferences reconsider and withdraw the rejections of record, and allow the pending claims, which are attached hereto as an Appendix.

I. REAL PARTY IN INTEREST

The real party in interest is First USA Bank, N.A., the assignee of the above-referenced application.[1]

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no related Appeals or Interferences.

III. STATUS OF CLAIMS

Claims 1-7 and 9-21 are pending in this application. Claim 8 has been canceled. The rejections of claims 1-7 and 9-21 are appealed.

---

[1] Appellants note that the name of the real party in interest has been changed to Bank One, Delaware, National Association.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been filed subsequent to the Final Office Action dated October 20, 2003. Appellant filed a Request for Reconsideration on December 22, 2003.

V. SUMMARY OF INVENTION

Appellant believes that a brief discussion of the background technology, followed by a brief summary of the invention, will assist the Board of Patent Appeals and Interferences (hereinafter referred to as "the Board") in appreciating the significant advances made by the present invention.

A. The Background

The invention relates to networked service providers, which provide a variety of services to its customers. In particular, a networked service provider may want to provide its customers with access to services that are not provided directly by its server. Therefore, the service provider may have to redirect its customer to another remote server capable of providing the service. (See application on page 1)

For example, an Internet banking site may wish to provide its customers with a full range of banking services, e.g., opening and maintaining a checking account, applying for a credit card or loan, paying bills, or accessing brokerage or financial planning services. Each of these Internet banking services may be provided by an independent server (e.g., each of which could be located at different network sites, such as different Internet sites or at different IP addresses in an Intranet) that requires the user to enter a unique username (or ID) and password. Therefore, when a customer wishes to utilize a first banking service that is provided by a remote server, after the Internet banking host server (which is the initial point of contact for the customer) redirects the customer to the first remote service provider, the customer must enter a new ID and

password specific to that service. If the customer wishes to access a second banking service, the Internet banking host server redirects the customer to the second remote server where another ID/password must be provided. Given the broad range of services that an Internet bank may wish to provide, this places the burden of remembering and entering multiple usernames and passwords on the Internet banking customer. This is a significant drawback to the customer. This is also a significant drawback to the Internet banking host because customer dissatisfaction may result in lost accounts. (See application on pages 1 and 2) This is also a potentially significant disadvantage to the Internet banking host because it may limit the number of IDs/passwords that can be assigned to different banking services, thus possibly compromising security.

A further drawback to conventional approaches exist when a customer moves between different remote service providers. For example, if the customer returns to the initial host provider after accessing a first remote service provider, and then desires to return to the first remote service provider, the customer must re-enter the same username and password for that service. (See application on page 2) This is a significant disadvantage.

Another drawback to conventional approaches exist when a host service provider wishes to change the remote service providers that customers can access through its server. In the Internet banking context, for example, a host Internet bank may utilize a particular remote service to provide its customers with checking account services, and then later wish to change the remote checking account service provider. With conventional approaches, this may require the Internet banking customer to create and remember a new username and password for the new remote service. (See application on page 2)

B. The Invention

The invention avoids or mitigates at least some of the aforementioned drawbacks of the

prior art.

The invention provides a system and a method for accessing one of a plurality of remote service providers (30) across a network via a single login to a host service provider (50). Each of the plurality of remote service providers (30) is accessible through the host service provider (50). Further, each of the plurality of remote service providers (30) have separate login procedures requiring data. The method includes the steps of the host service provider (50) receiving the single login from a user (20). The host service provider (50) then processes that single login utilizing a universal session manager (52). (See application on pages 3 and 7)

Based on the single login to the host service provider (50), the universal session manager (52) retrieves data from a validation database (60). The data is effective for accessing a selected one of the plurality of remote service providers (30). Further, the data is based at least in part on the single login. The method then entails the universal session manager (52) transmitting the data (which could be, for example, ID/password data for the selected remote service provider) to the remote service provider. The universal session manager and the remote service provider then exchange the data to effect a two-sided authentication. The method includes the host service provider directing the user to the remote service provider. In accordance with one embodiment, the invention may include a service that has special access requirements. In this embodiment, a trusted service module 70 communicates with a trusted service provider (80) (See application on pages 4, 7 and 11)

VI. ISSUES

There are two issues on appeal:

(1) Whether the rejection of claims 1-7, 9-15, 17 and 19-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,963,915 to Kirsch is improper.

(2) Whether the rejection of claims 16 and 18 under 35 U.S.C. §103 over Kirsch is improper.

VII. GROUPING OF CLAIMS

Independent Claim 1 stands or falls on its own.

Dependent claim 2 stands or falls on its own.

Dependent claim 3 stands or falls on its own.

Dependent claim 4 stands or falls with dependent claim 5.

Dependent claim 6 stands or falls on its own.

Independent Claim 7 stands or falls with dependent claim 12.

Dependent claim 9 stands or falls on its own.

Dependent claim 10 stands or falls on its own.

Dependent claim 11 stands or falls on its own.

Dependent claim 13 stands or falls on its own.

Dependent claim 14 stands or falls on its own.

Dependent claim 15 stands or falls on its own.

Dependent claim 16 stands or falls on its own.

Dependent claim 17 stands or falls on its own.

Dependent claim 18 stands or falls on its own.

Dependent claim 19 stands or falls on its own.

Dependent claim 20 stands or falls on its own.

Dependent claim 21 stands or falls on its own.

The reasons why each of the claim groups is separately patentable are presented in the Arguments section below.

VIII. ARGUMENTS

A. The rejection of claims 1-7, 9-15, 17 and 19-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,963,915 to Kirsch is improper.

1. The Rejection and Features of Claim 1

In paragraph 3, the Final Office Action of October 20, 2003 rejects claims 1-7, 9-15, 17 and 19-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,963,915 to Kirsch. Appellant respectfully traverses this grounds of rejection.

Claim 1 is provided in its entirety in the attached Appendix A. Claim 1 recites a method for accessing one of a plurality of remote service providers across a network via a single login to a host service provider. In particular, claim 1 recites the host service provider receiving the single login from a user, and the host service provider having a universal session manager. The universal session manager retrieves data from a validation database based on the single login to the host service provider. The data is effective for accessing a selected one of the plurality of remote service providers, and is based at least in part on the single login. Importantly, the universal session manager of the host service provider transmits the data to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication. Accordingly, the host service provider directs the user to the remote service provider.

This claimed arrangement as set forth in claim 1 is fundamentally different than the teachings of Kirsch. Kirsch teaches in column 5, lines 52-66, that a client computer system requests a Web page by issuing a URL request through the Internet to the server system 16. In response, a redirection URL is embedded in a Web page presented to the client system 12 (column 6, lines 42-47). As described in column 7, lines 1-10, a portion of the redirection URL

is a second URL. The second URL identifies directly the target server system for the redirection. Accordingly, various data is exchanged between the client system 12 and the server 16, i.e., the direct server (Kirsch describes that the direct server is preferably the server system 16 that initially served the web page with the embedded redirection URL to the client system 12, column 6, lines 56-58)

Kirsch teaches in column 7, lines 11-19, that the second URL in the redirection URL is returned to the browser executing on the client system 12 as part of a redirection message that directs the browser to issue a new URL request consisting essentially of the second URL. As a result, the "data" portion of the direct URL is effectively delivered to the direct server for purposes of accounting and potentially also validation, while the second URL is issued to the redirect server essentially transparently to the client user. That is, the browser issues the second URL to the redirect server, i.e., the target server system for the redirection (see also column 7, lines 1-3). Accordingly, Kirsch does not teach the claimed feature of, for example, the universal session manager of the host service provider transmits the data to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication.

The Final Office Action attempts to assert that Kirsch teaches the claimed invention, as recited in claim 1, for example. However, for the various reasons discussed below, Appellant submits that the claimed components set forth in the method of claim 1, and the interplay between those components, are simply not taught by Kirsch.

The Board is respectfully requested to withdraw the rejection as set out in the Final Office Action. As reflected in claim 1, the teachings of Kirsch are substantially different than the present invention. It is respectfully submitted that the Final Office Action's interpretation of

the teachings of Kirsch vis-à-vis the invention of claim 1 is misplaced.

2. The Claims Distinguish Over Kirsch

Appellant respectfully submits that the claims of the present application distinguish over Kirsch for at least the reasons set forth herein. The October 20, 2003 Final Office Action asserts that, as to claim 1, Kirsch discloses a method for accessing one of a plurality of remote service providers across a network via a single login to a host service provider (an Internet Service Provider connected to the Internet 14 fig. 1), each of the plurality of remote service providers (16 fig. 1) being accessible through the host service provider, and each of the plurality service providers having separate login procedures requiring data.

The Final Office Action asserts that Kirsch discloses the host service provider (using an Internet Service Provider connected to the Internet 14 of fig. 1, see col. 5 lines 52-63) receiving the single login, the service provider having a universal session manager (i.e., the client computer system for requesting a Web page by issuing a URL request through Internet to the server system, see abstract, fig. 1, col. 5 line 52 to col. 6 line 49 and col. 7 line 11 to col. 8 line 44).

The Final Office Action further asserts that Kirsch discloses the universal session manager retrieving data from a validation database (using database 36 fig. 2 for storing registration record of users, see col. 7 line 43 to col. 8 line 20) based on the single login to the service provider, wherein the data is effective for accessing a remote service provider and is based at least in part on the received username and password (i.e., login form using user identification and password, col. 6 line 22 to col. 7 line 19).

Also, the Final Office Action asserts that Kirsch discloses transmitting data to the remote service provider and directing the user to the remote service provider (using redirection request,

see col. 6 lines 28-62), the universal session manager and the remote service provider exchanging the data to effect a two sided authentication (i.e., processing of a transaction T-2 over the server 34 of fig. 2 to the remote server 22 of fig. 2, see also fig. 2, col. 7 line 20 to col. 8 line 63 and col. 10 lines 5-46). The Final Office Action also asserts that Kirsch discloses that the host service provider directing the user to the remote service provider (using the direct-server, see col. 6 line 50 to col. 7 line 42).

It is submitted that claim 1 of the present application clearly sets out the novel arrangement of Appellant's invention. Further, Kirsch is fundamentally different than such claimed arrangement. To explain, the Final Office Action refers to Figure 1 and portions of the corresponding Kirsch description in the rejection of claim 1. The Final Office Action indicates that the claimed remote service providers are taught by the Kirsch component 16 (Final Office Action page 3, line 1). Kirsch talks about the component 16 in column 6, lines 20-25. Kirsch describes that the URL issued from the client system 12 may also be of a complex form that identifies a common gateway interface (CGI) program on a server system 16. Thus, Kirsch describes "16" as a server system. Further, the Final Office Action now relies upon the Kirsch database 36 (Figure 2 of Kirsch) as the claimed "validation database".

In short, the teachings of Kirsch relate to URL redirection. Kirsch fails to teach or suggest the claimed features of the host service provider and the interrelationship of the host service provider with the user and the remote service provider.

Claim 1 recites the host service provider receiving the single login from a user, the host service provider having a universal session manager; the universal session manager retrieving data from a validation database based on the single login to the host service provider, wherein the data is effective for accessing a selected one of the plurality of remote service providers, and

wherein the data is based at least in part on the single login; the universal session manager transmitting said data to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication; and the host service provider directing the user to the remote service provider. Appellant notes two features for discussion. Claim 1 recites that the host service provider having a universal session manager. Further, claim 1 recites the universal session manager transmitting said data to the remote service provider. Kirsch is devoid of these particular features of the host service provider.

To further explain, the Final Office Action alleges that the claimed host service provider is an Internet Service Provider connected to the Internet 14 (Final Office Action page 2, last line); and that Kirsch teaches remote service providers 16. However, Kirsch merely describes in column 5, lines 52-63, for example, that a conventional client computer system 12, executing a client browser application that supports the HTTP protocol, is connected typically through an Internet Service Provider (ISP) to the Internet 14; and that a server computer system 16 is also coupled typically through an Internet Service Provider to the Internet 14. Accordingly, in alleging that the claimed host service provider (and the features thereof) is taught by Kirsch, the Final Office Action relies merely on what appears to be a standard ISP. Such interpretation, while alleging that Kirsch teaches claim 1, leaves various recitations of claim 1 meaningless. Appellant queries how does a standard ISP teach a host service provider having a universal session manager, and the universal session manager's interrelationship with the remote service providers, as recited in claim 1. In short, the alleged host service provider, i.e., an ISP, which is easily appreciated as a prominent feature of claim 1, is minimally discussed in Kirsch.

Hereinafter, the features of Kirsch will be described in further detail. Appellant submits that the fundamental differences between Kirsch and the claimed invention are apparent.

Illustratively, Kirsch teaches in column 4, lines 48-64, that the Kirsch invention provides for a purchase transaction that appears to the client user as a singular selection of a purchasable product or service and a singular confirmation of the purchase. A persistent predetermined coded identifier is established on the client browser corresponding to an account record stored by the merchant server. Kirsch further teaches that a predetermined URL referencing a purchasable product or service is served to the client browser. The predetermined URL includes an implicit reference to the persistent predetermined coded identifier. The predetermined URL is received by the merchant server, including the predetermined coded identifier, in connection with a client browser selection. Kirsch further teaches that the merchant server validates the predetermined coded identifier against the server stored account record and records an identifier of the purchasable product or service as derived from the predetermined URL by the merchant server. Accordingly, Appellant submits that such teachings, and in particular the described role of the client browser is fundamentally different than the claimed invention.

Of note, Kirsch describes further features of interest in column 7, lines 1-19. Therein, Kirsch teaches the final portion of the redirection URL is a second URL. This second URL identifies directly the target server system for the redirection. Preferably, any path portion provided as part of the direct server specification with a redirection URL is repeated as a path component of the redirect server portion of the redirection URL. However, path portion identity is not required. In general, all that is required is a one-to-one correspondence between the Web pages referenced by the direct server and redirect server terms of the redirection URL. Kirsch describes that on recognition of the redirect key word, the second URL in the redirection URL is returned to the browser executing on the client system 12 as part of a redirection message that directs the browser to issue a new URL request consisting essentially of the second URL. As a

result, the "data" portion of the direct URL is effectively delivered to the direct server for purposes of accounting and potentially also validation, while the second URL is issued to the redirect server essentially transparently to the client user. Again, these features of Kirsch are fundamentally different from, and do not teach, the invention of claim 1.

The Final Office Action asserts the host service provider (using an Internet Service Provider connected to the Internet 14 of fig. 1, see col. 5 lines 52-63) receiving the single login, the service provider having a universal session manager (i.e., the client computer system for requesting a Web page by issuing a URL request through Internet to the server system, see abstract, fig. 1, col. 5 line 52 to col. 6 line 49 and col. 7 line 11 to col. 8 line 44). As discussed herein, Appellant notes that such described "host service provider (using an Internet service provider..." is inconsistent with the Final Office Action at page 2, last line, which alleges a host service provider (an Internet Service Provider connected to the Internet 14, fig. 1).

However, based on this assertion on page 3, the Final Office Action appears to allege that the client computer system constitutes the claimed universal session manager. This interpretation is fully inconsistent with the language of claim 1. In particular, claim 1 recites the host service provider receiving the single login from a user, the *host service provider having* a universal session manager. Claim 1 recites the universal session manager retrieving data from a validation database based on the single login to the host service provider. Claim 1 further recites the universal session manager transmitting said data to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication; and the host service provider directing the user to the remote service provider.

Accordingly, claim 1 does indeed recite the host service provider directing the user to the remote service provider. Such language of claim 1, in and of itself, might be interpreted to be

taught by Kirsch. However, claim 1 importantly also clearly recites that the host service provider has the universal session manager; and that the universal session manager interfaces with the remote service provider. Further, claim 1 recites the interrelationship of the user with the other features of claim 1. Kirsch cannot be fairly interpreted to teach these features.

Of further interest, in the rejection of claim 1, the Final Office Action relies upon the teachings of Figure 1 of Kirsch in part, i.e., to allegedly teach the host service provider, the remote service provider and the universal session manager (see Final Office Action at page 2, last line; page 3, line 1; and page 3, lines 6-8, respectively). However, the Final Office Action then relies upon the database 36, i.e., Figure 2 of Kirsch, to allegedly teach the validation database, as recited in claim 1. Accordingly, Appellant queries in what manner the Final Office Action is picking and choosing between different figures of Kirsch so as to allegedly teach the claimed invention. In column 7, lines 20-22, Kirsch describes that referring now to Figure 2 a number of different scenarios are presented where the present invention is utilized in simple to complex purchase transactions. However, Appellant submits that the described relationship between Figs. 1 and 2 of Kirsch would not fairly support the Final Office Action's picking and choosing between the two respective figures. That is, for example, Figure 2 does not appear to be a subpart of Figure 1. Accordingly, Appellant submits that the picking and choosing between Figs. 1 and 2 of Kirsch, and in particular without any explanation in the Final Office Action, is inappropriate and is unsupportable as fairly teaching or suggesting the claimed invention.

For at least the reasons described above, as well as the reasons set forth in Appellant's prior response, it is submitted that Kirsch fails to teach or suggest the claimed invention of claim 1. Further, Appellant submits that claim 7 recites patentable subject matter for reasons similar to claim 1.

3. The Rejection of Claim 7

Hereinafter, teachings of Kirsch vis-à-vis claim 7 will be described, in particular. Claim 7 recites a system for accessing one of a plurality of remote service providers via a single login to a host service provider, each of the plurality of remote service providers being accessible through the host service provider and each of the plurality of remote service providers having separate login procedures requiring data, the system comprising a user system having a network data acquisition module; a plurality of remote service providers; a host service provider for receiving the single login, the host service provider having a universal session manager; the universal session manager receiving data from a validation database based on the single login to the host service provider, the universal session manager passing the data, which is required for access to the remote service provider, to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication; and the validation database for storing the data for accessing the remote service provider, the universal session manager communicating with the validation database to obtain the data; and wherein the host service provider directs the user to the selected one of the plurality of remote service providers using the data.

Accordingly, Appellant submits that the features of claim 7, a system claim, are similar to the features of claim 1, a method claim. However, Appellant submits that there are differences between the two independent claims. As noted below, the October 20, 2003 Final Office Action has varied the rejection of claim 7 vis-à-vis the particulars of the rejection as set forth in the April 9, 2003 Final Office Action. Appellant below further traverses the rejection of claim 7, in addition to the reasons set forth above. Claim 7 is rejected in the October 20, 2003 Final Office Action on page 4, line 12 - page 5, line 19.

Appellant submits that there are various deficiencies in the Final Office Action's allegations that claim 7 is taught or suggested by Kirsch. As discussed above with respect to claim 1, Appellant submits that the rejection of claim 7 inappropriately picks and chooses between Figs. 1 and 2 of Kirsch. See Final Office Action page 4, lines 14 and 15; and page 5, lines 2 and 8. Further, there are inconsistencies in the rejection of claim 7. For example, on page 5, line 5, the October 20, 2003 Final Office Action relies upon an alleged teaching of "a validation database (43 fig. 2B)". Appellant cannot identify where such teachings is present in Kirsch. Further, in contrast, on page 5, line 13, the Final Office Action asserts "the validation database (using database 36 fig. 2 for storing registration record of users..." Accordingly, Appellant respectfully queries which component of Kirsch is being relied upon to allegedly teach the validation database of claim 7.

Further, the Final Office Action alleges that the universal session manager of claim 7 is taught by Kirsch. However, with regard to the claim 7 rejection, the Final Office Action is fully unclear as to what component of Kirsch allegedly teaches the universal session manager. Reviewing the Final Office Action on page 5, lines 9-12, it might be thought that the Final Office Action is interpreting Kirsch's server 34 as the universal session manager. However, this interpretation is clearly in conflict with the language of claim 1 and the interrelationship between the universal session manager and the host service provider, for example.

Also, on page 5, line 2, the Final Office Action asserts that Kirsch teaches service providers (44 and 40 of fig. 2). However, in contest, on page 5, lines 9-12, the Final Office Action appears to assert that a remote server 22 is the remote service provider. It is respectfully submitted that the language of claim 7 is clear. However, the Final Office Action's attempt to twist the disclosure of Kirsch, to allegedly teach the claimed invention, has resulted in substantial

confusion in the grounds of rejection.

To explain further, the Final Office Action asserts, with respect to claim 7, that Kirsch teaches "a host service provider (ISP connected through the Internet 14 of fig. 1, see col. 5 lines 52-63)" However, the Final Office Action fails to allege how Kirsch teaches these particulars of claim 7. That is, claim 7 recites a host service provider for receiving the single login, the host service provider having a universal session manager. Claim 7 also recites the universal session manager receiving data from a validation database based on the single login to the host service provider, the universal session manager passing the data, which is required for access to the remote service provider, to the remote service provider. Further, claim 7 recites the universal session manager communicating with the validation database to obtain the data. Accordingly, this language of claim 7 sets forth particulars of the interrelationship between the host service provider/universal session manager and the remote service provider, which are not taught or suggested by Kirsch.

The Final Office Action references various portions of Kirsch in alleged support of the asserted rejection. The teachings of Kirsch with respect to Figure 1 of Kirsch are described above. Figure 2 of Kirsch is directed to a variety of purchase transaction scenarios.

For example, Kirsch teaches the use of cookies. That is, at column 8, lines 14-20, Kirsch teaches that cookie data, when received by the Server-2 34 in connection with a purchase request URL, is then used to lookup a client database record in the database 36. The cookie data may be decoded and compared with the record contents to validate the cookie. Assuming that the comparison is correct, the identified record is then used as the source of billing related information, needed by the Server-2 34 to fulfill the client user's purchase request, as described by Kirsch. However, it is respectfully submitted that such teaching clearly fails to teach or

suggest the features of claim 1 relating to the host service provider, the universal session manager, and the validation database, and the interrelationship there between.

Further, Kirsch teaches, in column 8, lines 54-63, further aspects of purchase. That is, Kirsch teaches should the client user again select the purchase portion of the hyperlink image map 26, or any other purchase selection hyperlink that corresponds to the same vendor operating from the Server-2 34, a new secure session T2 is established, the client-side cookie is provided to the Server-2 34, and a confirmation form is presented to the client user. The client-side cookie provided during the secure session T2 specifically encodes sufficient information to authenticate the client user to the Server-2 34, thereby obviating the need for the client user to re-authenticate manually.

Further, Appellant in particular notes Kirsch at column 10, lines 15-25. Kirsch describes that selection of a URL 32 preferably results in the establishment of a transaction T6 with the Server-5 44. Although the Server-5 44 may be a secure server and preferably maintains a database 45 of client user account records and Web pages detailing certain products and services available for apparently direct purchase, the Server-5 44 may itself maintain pre-established credit relationships with any number of other servers, such as Server-4 40. Kirsch further describes that in response to a URL request for product information or to purchase a selected product, the Server-5 44 may establish a transaction T7 with the Server-4 40. However, it is submitted that such disclosure of Kirsch fails to teach or suggest the particular features of claim 1. These teachings of Kirsch also fail to teach or suggest the claimed invention as recited in claim 7, and in particular the claimed interrelationship between the host service provider, the remote service provider, the universal session manager and the validation database, as well as the manner in which such claimed components interrelate with the user system.

Appellant also notes column 10, line 63 - column 11, line 15. Therein, Kirsch describes that where the Server-5 44, in response to a secure purchase transaction request T6, has identified the selected product or service as being available through Server-4 40, the Server-5 44 operates as a proxy for the client user and relays through a secure purchase transaction T7 the purchase request initiated by the client user. This will require the client user to have or to establish a credit relationship with the Server-4 40. However, this disclosure also fails to teach or suggest the interrelationship of the features of claim 7. Accordingly, for the reasons set forth above, including those reasons discussed with respect to claim 1, it is respectfully submitted that claim 7 defines patentable subject matter.

4. The "Response to Arguments" in the Final Office Action

In the Final Office Action on page 8, the Final Office Action responds to some of Appellant's previous arguments. That is, the Final Office Action discusses: that Appellant asserts that the Kirsch reference does not disclose an Internet Service Provider as 14 of fig. 1, and that the Examiner respectfully disagrees. The Final Office Action asserts that Kirsch discloses an Internet Service Provider connected to the Internet 14 of fig. 1 (see col. 5 lines 52-63). However, as can be appreciated, the claimed invention goes well beyond merely the presence of an Internet service provider. Appellant is not asserting that Kirsch does not describe an Internet service provider. Appellant does assert that Kirsch does not disclose the host service provider and the particulars associated therewith, as set out in claims 1 and 7.

Further, in response to Appellant's arguments, the Final Office Action asserts that Kirsch clearly discloses using database 36 fig. 2 for storing registration record of users (see col. 7, line 43 to col. 8, line 44). Appellant respectfully submits that such response in the Final Office Action is an inappropriate simplification of the claimed invention. Appellant acknowledges that

Kirsch teaches the use of a database. However, the claimed invention relates to a particular interrelationship of the "validation database" with the host service provider and the universal session manager, for example.

The Final Office Action reflects that Appellant further asserts that the Kirsch reference does not disclose a universal session manager, and that the Examiner points out that the Kirsch reference using the client computer system for requesting a Web page by issuing a URL request through Internet to the server system (universal manager). As discussed herein, such assertions in the Final Office Action are inconsistent with those assertions set out on page 3 of the Final Office Action, i.e., what is the Final Office Action interpreting as the universal session manager. As is also discussed above, it is submitted that Kirsch fails to teach the universal session manager and the interrelationship of the universal session manager with the other features of claims 1 and 7.

For the reasons discussed above, Appellant respectfully further submits that Kirsch fails to teach or suggest the features of the rejected claims. Reconsideration and reversal of the rejection under 35 U.S.C. 102 is respectfully requested.

5. The Comments in the January 7, 2003 Advisory Action

The Advisory Action asserts that in response to Appellant's argument that Kirsch teaches away from the instant application's invention, the law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. The Advisory Action further asserts it does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 218

USPQ 781 (1983).

Appellant respectfully submits that the limitations set forth in the present claims are not found in the reference to Kirsch, for the reasons as are discussed in detail herein.

Appellant notes the remarks on page 2, lines 8 - 22 of the Advisory Action. However, such remarks appear to be essentially the same as previously asserted in the Final Office Action.

The Advisory Action notes that Appellant is reminded that it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. Appellant fully appreciates this fundamental basis of patent law and submits that the arguments herein have indeed been based on the claimed invention.

6. Claims 1 and 7 are Separately Patentable

Claims 1 and 7 are separately patentable for at least the reasons discussed above. As discussed, there are various deficiencies in the rejection such that Kirsch fails to fairly teach or suggest the claimed features as recited in claim 1, as well as claim 7.

7. Claims 2-6, 9-15, 17 and 19-21 are Separately Patentable

Each of such listed claims is separately patentable for the reasons noted above, and the additional reasons set forth below.

(a) Claims 2 and 10 are Each Separately Patentable

As was discussed in the July 9, 2003 Amendment, the Final Office Action asserts that as to claims 2 and 10, Kirsch discloses a trusted service module acts as an intermediary between the host service provider and the trusted service provider (i.e., establishing a secure session transaction with the server, see col. 9 line 23 to col. 10 line 62). In the July 9, 2003 Amendment, Appellant queried, with regard to this portion of the rejection, that the Examiner clarify the particular components of Kirsch that have been interpreted to be the claimed trusted

service module and trusted service provider of claim 2, i.e., in that it appears that the Final Office Action is asserting that establishing a secure session transaction with the server teaches such specific components as claimed, and such assertion is not understood by Appellant. However, the present Final Office Action in no way clarifies this grounds of rejection. The Examiner is requested to provide clarification of the rejection of claims 2 and 10.

Accordingly, claims 2 and 10 are allowable for these reasons in addition to those set forth above with respect to claims 1 and 7, respectively, from which claims 2 and 10 depend.

(b) Claim 3 is Separately Patentable

Kirsch fails to disclose the feature of "wherein the trusted service module receives a session ID from the trusted service provider", as recited in claim 3. The Final Office Action points to column 13, line 1 to column 14, line 43. The cited portion of Kirsch appears to deal with the interplay of a client user (client browser) and server system 16, in conjunction with the utilization of a cookie. However, Kirsch fails to teach the claimed interplay of the trusted service module and the trusted service provider, in conjunction with the use of a session ID.

Accordingly, claim 3 is allowable for this reason in addition to those set forth above, and below, with respect to claims 2 and 1, from which claim 3 depends.

(c) Claims 4 and 5 are Separately Patentable

Claim 4 recites "wherein the trusted service module places a text file on the user's network data acquisition module." Appellant notes that Kirsch does indeed teach the use of cookies. However, Appellant submits that Kirsch fails to teach the features of claims 4 and 5 since Kirsch does not teach that the "trusted service module" performs the placement of the cookie. The Final Office Action appears to treat claims 4 and 5 as simply generally reciting the use of a cookie, and ignores the particular role played by the trusted service module.

Accordingly, claims 4 and 5 are allowable for these reasons in addition to those set forth above with respect to claims 3, 2 and 1, from which claims 4 and 5 depend.

(d) Claim 6 is Separately Patentable

Kirsch fails to teach the feature of "registering the user with the remote service provider", in conjunction with the other claimed features. That is, the Final Office Action refers to Kirsch in column 13, line 1 to column 14, line 19. As noted above, the cited portion of Kirsch appears to deal with the interplay of a client user (client browser) and server system 16, in conjunction with the utilization of a cookie. However, it is fully unclear how the Final Office Action attempts to interpret the cited portion of Kirsch as teaching the features of claim 6. Appellant queries what component is the Final Office Action proposing to be the remote service provider, i.e., such that such interpretation is in harmony with the rejection of claim 1.

Accordingly, claim 6 is allowable for these reasons in addition to those set forth above with respect to claim 1, from which claim 6 depends.

(e) Claim 9 is Separately Patentable

Kirsch fails to teach or suggest the feature of the "validation database further storing information for registering the user with the remote service provider", as recited in claim 9. Again, Appellant queries what is the Final Office Action interpreting to be the remote service provider and the validation database, as claimed. The Final Office Action refers to Kirsch in column 13, line 1 to column 14, line 19. Such cited portion describes Kirsch's Fig. 1, i.e., which the Final Office Action is apparently relying upon in the rejection of claim 9.

However, on page 5, line 13, of the Final Office Action, the Examiner cites to Fig. 2 (database 36) as teaching the validation database. Accordingly, Appellant respectfully queries whether the Final Office Action is relying on Fig. 1 or Fig. 2 of Kirsch to allegedly teach the

features of claim 9? In view of such shortcomings, Appellant submits that the rejection is unsupportable.

Accordingly, claim 9 is allowable for these reasons in addition to those set forth above with respect to claim 7, from which claim 9 depends.

(f) Claim 11 is Separately Patentable

Kirsch fails to teach the feature of "wherein said trusted service provider is a remote service provider with special access requirements", as recited in claim 11. Appellant notes that the Final Office Action does not appear to even acknowledge the feature of "special access requirements." Each and every element of the claimed invention must be considered. Further, as discussed above with respect to claim 10, it is fully unclear from the Final Office Action what the Examiner is interpreting to be the claimed trusted service provider. Accordingly, Appellant cannot even determine whether the alleged trusted service provider does or does not have special access requirements, as claimed.

Accordingly, claim 11 is allowable for these reasons in addition to those set forth above with respect to claims 10 and 7, from which claim 11 depends.

(g) Claim 13 is Separately Patentable

Claim 13 recites wherein the remote service provider further comprises a registration module and a login module. On page 5, line 20 - page 6, line 3, the Final Office Action asserts that Kirsch discloses a remote service provider with access requirements, registration module for receiving data to the services, a login module for gaining access the data for registering a user with the remote service provider (providing the registration forms to users with secure information). The Final Office Action cites to Kirsch column 7, line 43 - column 8, line 63.

Appellant has reviewed such portion of Kirsch and simply cannot identify what the Final

Office Action is relying on, i.e., so as to allegedly constitute the claimed registration module and a login module. Rather, it appears that the Final Office Action is simply setting forth the claim language and thereafter asserting that such features are taught. Appellant respectfully requests clarification as to what components of Kirsch allegedly teach the registration module and a login module.

Accordingly, claim 13 is allowable for these reasons in addition to those set forth above with respect to claim 7, from which claim 13 depends.

(h) Claim 14 is Separately Patentable

In a similar manner to claim 13, Kirsch fails to teach or suggest the feature of "wherein the login module receives the data for gaining access to the services provided by the remote service provider", as recited in claim 14. The Final Office Action appears to reject claim 14 as generally reciting a login module. However, the Final Office Action fails to indicate which component of Kirsch is interpreted as the login module, and also fails to appreciate the interrelationship between the login module and the other claimed features.

Accordingly, claim 14 is allowable for these reasons in addition to those set forth above with respect to claims 13 and 7, from which claim 14 depends.

(i) Claim 15 is Separately Patentable

In a similar manner to claim 13, Kirsch fails to teach or suggest the feature of "the registration module receives the data for registering a user with the remote service provider", as recited in claim 15. The Final Office Action appears to reject claim 13 as generally reciting a registration module . However, the Final Office Action fails to indicate which component of Kirsch is interpreted as the registration module , and also fails to appreciate the interrelationship between the registration module and the other claimed features. Appellant appreciates that the

general concept of a registration module might well be interpreted as known in the art. However, claim 15 claims the registration module in a particular environment, which is not taught or suggested by Kirsch.

Accordingly, claim 15 is allowable for these reasons in addition to those set forth above with respect to claims 13 and 7, from which claim 15 depends.

(j) Claim 17 is Separately Patentable

Kirsch also fails to disclose the features of claim 17, reciting "wherein the remote service provider is a distinct remote site from the host service provider." Claim 17 was added during prosecution to further crystallize the claimed invention.

Firstly, Appellant notes that the rejection of claim 17 (dependent on claim 16) is fundamentally defective, since claim 17 is rejected in the Final Office Action under 35 U.S.C. §102 and claim 16 is rejected under 35 U.S.C. §103.

Further, the assertions in the Final Office Action, as to the rejection of claim 17, are fully unsupportable. On page 6, the Final Office Action attempts to characterize the claimed host service provider as "host service provider (32 Fig. 2)". This characterization is in conflict with the assertions in the Final Office Action (page 2, last line) in which the host service provider is alleged to be an Internet Service Provider connected to the Internet 14. Appellant submits that the Final Office Action is again interpreting Kirsch in an inconsistent manner so as to allegedly teach the claimed invention.

Also, Appellant submits that "host service provider (32 Fig. 2)" fails to be a reasonable interpretation of Kirsch. Kirsch teaches web page 24 and hyperlink 32, in sharp contrast to the alleged interpretation set out in the Final Office Action.

Accordingly, claim 17 is allowable for these reasons in addition to those set forth above,

and below, with respect to claims 16 and 1, from which claim 17 depends.

(k) Claim 19 is Separately Patentable

Claim 19 recites wherein the validation database transmits data to the universal session manager of the host service provider indicating which services the user is enrolled. Kirsch fails to teach or suggest such claimed features. The Final Office Action asserts that as to claim 19, Kirsch discloses the validation database transmitting data to the universal session manager indicating which service the user is enrolled (using database 36 fig. 2 for storing registration record of users to process clients' requests). The Final Office Action refers to col. 7 line 43 to col. 8 line 44. However, as discussed above, Kirsch fails to teach or suggest the claimed interrelationship of the universal session manager. In the rejection of claim 19, the Final Office Action appears to again attempt to interpret the universal session manager to be one and the same as the client system 12. As discussed above, Kirsch does teach the use of cookie data. For example, Kirsch teaches that cookie data, when received by the Server-2 34 in connection with a purchase request URL, is then used to lookup a client database record in the database 36. However, such use of cookie data falls far short of the specifics of claim 1 and 19.

Accordingly, claim 19 is allowable for these reasons in addition to those set forth above with respect to claim 1, from which claim 19 depends.

(l) Claim 20 is Separately Patentable

Claim 20 recites wherein the host service provider receiving the single login from the user is performed over a network. Claim 20 was added in prosecution to further define the claimed invention. In particular, in accordance with an interpretation in the Final Office Action (page 3, line 6), the Final Office Action appears to assert that the universal session manager is the client computer system. Claim 20 clearly precludes such interpretation, i.e., since claim 1

recites that the host service provider having the universal session manager.

Accordingly, claim 20 is allowable for these reasons in addition to those set forth above with respect to claim 1, from which claim 20 depends.

(m) Claim 21 is Separately Patentable

Kirsch fails to teach or suggest the feature of "wherein the validation database transmits data to the universal session manager of the host service provider indicating which services the user is enrolled." The cited portion of Kirsch relates, for example, to the use of a registration form (Kirsch in column 8, line 4, for example). Appellant submits that such teaching cannot be fairly interpreted to suggest the features of claim 21.

Accordingly, claim 21 is allowable for these reasons in addition to those set forth above with respect to claim 7, from which claim 21 depends.

B. The Rejection Of Claims 16 And 18 Under 35 U.S.C. §103 Over Kirsch Is Improper.

In the Final Office Action, claims 16 and 18 are rejected under 35 U.S.C. § 103 over Kirsch. This rejection is respectfully traversed.

The Final Office Action asserts Kirsch discloses a series of handshake (i.e., providing a series of handshake transactions to negotiate the establishment of the secure transactions, see col. 2 lines 1-46) which may includes a set of one, two, three... handshake transactions between the two servers; and that therefore, Kirsch discloses a triple handshake as the Appellant's claimed invention. The Final Office Action asserts that it would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement a triple hand- shake in the computer system of Kirsch because it would have exchanged of signals between two devices when communications begin in order to ensure synchronization and provided a more secure

network environment.

However, it is respectfully submitted that even if it were obvious to somehow utilize a triple hand- shake in the teachings of Kirsch, such modification of the Kirsch reference would still clearly fail to cure the deficiencies described above, i.e., such that Kirsch would fairly teach or suggest the claimed invention. Kirsch in no way teaches the claimed interaction between the universal session manager and the remote service provider, as recited in claims 1 and 7, much less the particulars of claims 16 and 18.

Accordingly, for at least the above reasons, Appellant respectfully submits that independent claim 1, as well as claim 7, defines patentable subject matter. Claims 16 and 18 depend from independent claims 1 and 7 respectively, and therefore also define patentable subject matter for the reasons set forth above with respect to claims 1 and 7, as well as for the additional features claims 16 and 18 recite, as discussed above. Reconsideration and withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

1. Claims 16 and 18 are Each Separately Patentable

Claims 16 and 18 are separately patentable for the reasons discussed above in addition to those set forth above with respect to claims 1 and 7, respectively from which claim 16 and 18 depends.

C. The October 20, 2003 Final Office Action and the April 9, 2003 Office Action

Various deficiencies of the October 20, 2003 Final Office Action are set forth above. In order to further explain the deficiencies of the October 20, 2003 Final Office Action, Appellant submits that it is useful to further reflect on inconsistencies in the Final Office Action, as well as the manner in which the Final Office Action varies the interpretation of the teachings of Kirsch vis-à-vis the earlier April 9, 2003 Office Action. Appellant submits that even with the varied

interpretation as set out in the October 20, 2003 Final Office Action, Kirsch still fails to teach or suggest the claimed invention.

In particular, the April 9, 2003 Office Action asserts, in the rejection on page 2, that Kirsch teaches a "host service provider (14 Fig. 1)". Further, the April 9, 2003 Office Action asserts on page 3, line 3, "the host service provider (through an Internet Service Provider 14 Fig. 1)". However, these assertions are inconsistent with the asserted teachings of Kirsch in the October 20, 2003 Final Office Action. That is, on page 3, line 4, the October 20, 2003 Final Office Action asserts "the host service provider (using an Internet Service Provider connected to the Internet 14 of fig. 1, see col. 5 lines 52-63) receiving the single login." However, this assertion is inconsistent with the April 9, 2003 Office Action in what the respective Office Actions assert is the host service provider. That is, the April 9, 2003 Office Action asserts that the host service provider is 14, whereas, the October 20, 2003 Final Office Action asserts that the host service provider uses an Internet service provider that is connected to the Internet 14.

The assertions in the October 20, 2003 Final Office Action are further complicated by the presence of inconsistencies within the October 20, 2003 Final Office Action itself. That is, on page 3, line 3, the October 20, 2003 Final Office Action asserts the host service provider using an Internet Service Provider connected to the Internet 14...receiving the single login.", as is noted above. However, the October 20, 2003 Final Office Action also asserts on page 2, last line, "a host service provider (an Internet Service Provider connected to the Internet 14 fig. 1)". Accordingly, these respective assertions as set forth in the October 20, 2003 Final Office Action are inconsistent in that the Final Office Action's interpretation is not clear as to what the Examiner is asserting is the host service provider. Appellant notes these inconsistencies since they are further complicated by additional inconsistencies that make understanding of the applied

rejection difficult.

That is, the October 20, 2003 Final Office Action asserts on page 3, line 5-7, the service provider having a universal session manager (i.e., the client computer system for requesting a Web page by issuing a URL request through Internet to the server system, see abstract, fig. 1, col. 5 line 52 to col. 6 line 49 and col. 7 line 11 to col. 8 line 44). Accordingly, this assertion in the October 20, 2003 Final Office Action appears to assert that the universal session is or is disposed in the client computer system, which Appellant adamantly traverses. In contrast, the October 20, 2003 Final Office Action, on page 8, lines 9-12, sets forth that the "Examiner points out that the Kirsch reference using the client computer system for requesting a Web page by issuing a URL request through Internet to the server system (universal manager). Accordingly, as can be appreciated, it is fully unclear whether the Final Office Action is asserting that the universal session manger is somehow disposed in the client computer system or whether the universal session manager is the "server system." Appellant requests clarification of these inconsistencies in the October 20, 2003 Final Office Action.

Further, Appellant notes that the April 9, 2003 Office Action on page 4, line 8, with respect to claim 7, asserted that "Kirsch teaches a method for accessing one of a plurality of remote service providers across a network via a single login to a host service provider (14 fig. 1)", i.e., asserting that the host service provider was element 14 of Figure 1. In contrast, the October 20, 2003 Final Office Action asserts (on page 4, line 13) "...a host service provider (ISP connected through the Internet 14 of fig. 1, see col. 5 lines 52-63). Accordingly, the October 20, 2003 Final Office Action has varied the interpretation of what constitutes the claimed host service provider vis-à-vis the April 9, 2003 Office Action.

Further, Appellant notes that the October 20, 2003 Final Office Action, with reference to

claim 7 (page 5, line 13), asserts that Kirsch discloses "the validation database (using database 36 fig. 2 for storing registration record of users, see col. 7 line 43 to col. 8 line 20) for storing the data for accessing the remote service provider." Accordingly, this appears to imply that the Final Office Action is interpreting Kirsch's database 36 to constitute the claimed validation database of claim 7. Appellant notes that the April 9, 2003 Office Action did not specify that the Kirsch database 36 was being interpreted as the validation database.

Accordingly, based on the above discussed changes to the grounds of rejection of the October 20, 2003 Final Office Action vis-à-vis the April 9, 2003 Office Action, Appellant respectfully requests consideration of the appropriateness of the finality of the Final Office Action.

Further, for the reasons set forth below, Appellant respectfully submits that even with the revised interpretation of Kirsch as set forth in the October 20, 2003 Final Office Action, Kirsch still fails to teach or suggest the features of claim 1 and claim 7.

IX. CONCLUSION

In view of the foregoing, Appellant respectfully requests that the Board reverse the prior art rejections set forth in the Action, and allow all of the pending claims.

Respectfully submitted,

April 20, 2004

James R. Miner
Registration No. 40,444

Hunton & Williams LLP
1900 K. St., NW, Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500
(202) 778-2201

APPENDIX A - Pending Claims

What is claimed is:

1. A method for accessing one of a plurality of remote service providers across a network via a single login to a host service provider, each of the plurality of remote service providers being accessible through the host service provider and each of the plurality of remote service providers having separate login procedures requiring data, the method comprising the steps of:

the host service provider receiving the single login from a user, the host service provider having a universal session manager;

the universal session manager retrieving data from a validation database based on the single login to the host service provider, wherein the data is effective for accessing a selected one of the plurality of remote service providers, and wherein the data is based at least in part on the single login;

the universal session manager transmitting said data to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication; and

the host service provider directing the user to the remote service provider.

2. The method of claim 1, further comprising the step of connecting to a trusted service provider having special access requirements, wherein

a trusted service module acts as an intermediary between the host service provider and the trusted service provider.

3. The method of claim 2, wherein the trusted service module receives a session ID from the trusted service provider.

4. The method of claim 3, wherein the trusted service module places a text file on the user's network data acquisition module.

5. The method of claim 4, wherein said text file comprises a cookie.

6. The method of claim 1, further comprising the step of registering the user with the remote service provider.

7. A system for accessing one of a plurality of remote service providers via a single login to a host service provider, each of the plurality of remote service providers being accessible through the host service provider and each of the plurality of remote service providers having separate login procedures requiring data, the system comprising:

a user system having a network data acquisition module;

a plurality of remote service providers;

a host service provider for receiving the single login, the host service provider having a universal session manager;

the universal session manager receiving data from a validation database based on the single login to the host service provider, the universal session manager passing the data, which is required for access to the remote service provider, to the remote service provider, the universal session manager and the remote service provider exchanging the data to effect a two-sided authentication; and

the validation database for storing the data for accessing the remote service provider, the universal session manager communicating with the validation database to obtain the data; and

wherein the host service provider directs the user to the selected one of the plurality of remote service providers using the data.

8. (Canceled)

9. The system of claim 7, said validation database further storing information for registering the user with the remote service provider.

10. The system of claim 7, further comprising a trusted service module that serves as an intermediary between the host service module and a trusted service provider.

11. The system of claim 10, wherein said trusted service provider is a remote service provider with special access requirements.

12. The system of claim 7, wherein the network data acquisition module is an Internet browser.

13. The system of claim 7, wherein the remote service provider further comprises a registration module and a login module.

14. The system of claim 13, wherein the login module receives the data for gaining access to the services provided by the remote service provider.

15. The system of claim 13, wherein the registration module receives the data for registering a user with the remote service provider.

16. The method of claim 1, wherein the two-sided authentication is a triple handshake.

17. The method of claim 16, wherein the remote service provider is a distinct remote site from the host service provider.

18. The system of claim 7, wherein the two-sided authentication is a triple handshake.

19. The method of claim 1, wherein the validation database transmits data to the universal session manager of the host service provider indicating which services the user is enrolled.

20. The method of claim 1, wherein the host service provider receiving the single

login from the user is performed over a network.

21. The system of claim 7, wherein the validation database transmits data to the universal session manager of the host service provider indicating which services the user is enrolled.

****